



# Nevada State Board of Medical Examiners

## **\* \* \* M I N U T E S \* \* \*** **OPEN SESSION BOARD MEETING** **NEVADA STATE BOARD OF MEDICAL EXAMINERS**

*Video-Conferenced from the  
Conference Rooms at the Offices of the  
Nevada State Contractors Board  
9670 Gateway Drive, Suite 100, Reno, Nevada 89521  
and  
2310 Corporate Circle, Suite 200, Henderson, Nevada 89074  
on Friday, May 30, 2003 - 9:30 a.m.*

**AND**

*Conference Room at the Offices of the  
Nevada State Board of Medical Examiners  
1105 Terminal Way, Suite 301, Reno, Nevada 89502  
on Saturday, May 31, 2003 - 8:30 a.m.*

### **FRIDAY, MAY 30, 2003**

#### **MEMBERS PRESENT:**

Cheryl A. Hug-English, M.D., President  
Jaculine C. Jones, Ed.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.  
Marlene J. Kirch  
Stephen K. Montoya, M.D.  
Sohail U. Anjum, M.D.

#### **STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director/Special Counsel  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Kasey M. Miller, Administrative Assistant to Executive Director  
Robert A. Frantz, Financial Manager  
Helen J. Teeple, Financial Support Assistant

#### **ALSO PRESENT:**

Charlotte M. Bible, J.D., Chief Deputy Attorney General

**STAFF PRESENT IN HENDERSON:** Douglas C. Cooper, Chief Investigator

**ALSO PRESENT IN HENDERSON:** Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member

## AGENDA ITEM 1

### Call to Order

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 9:35 a.m.

Dr. Hug-English welcomed everyone in Reno and Las Vegas and explained the video conferencing. She thanked the staff and all board members for their hard work during this legislative session. Dr. Hug-English wanted to publicly thank Mr. Lessly, Mr. Legarza and Mr. Keith Lee for their tremendous effort and many hours spent during this session.

Dr. Hug-English announced that Dr. Titus was appointed to serve as a member of the Special Committee on Maintenance of Licensure of the Federation of State Medical Boards of the United States, Inc.

Mr. Lessly announced that a former board member, Victor Scaramosino, passed away on May 23, 2003. Dr. Hug-English sent condolences to family and friends.

## AGENDA ITEM 2

### Approval of Minutes

#### -March 7 & 8, 2003 Board Meeting - Open/Closed Sessions

Mrs. Kirch moved to accept the minutes of the March 7 & 8, 2003 Board Meeting - Open/Closed Sessions. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

## AGENDA ITEM 4

### Request from Keith W. Macdonald, Executive Secretary of the Nevada State Board of Pharmacy for Consideration of Making a Patron Donation in the Amount of \$10,000.00 to the Nevadans for Antibiotic Awareness Program

- William P. Berliner, M.D., Nevadans for Antibiotic Awareness  
(Tabled from March 7 & 8, 2003 Board Meeting)

Mr. Lessly referred to the letter in the agenda book explaining how the funds would be used and the budget. Dr. Titus stated that at the March 2003 meeting she had requested more information about the budget and how the funds would be used, and that she was satisfied with the information provided.

Dr. Titus moved to accept the request from Keith W. Macdonald, Executive Secretary of the Nevada State Board of Pharmacy for making a patron donation in the amount of \$10,000.00 to the Nevadans for Antibiotic Awareness Program. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 5

##### Report from Practitioner of Respiratory Care Advisory Committee on Opinion Requested by the Board at Its March 7 & 8, 2003 Meeting for an Appropriate Evaluation Method by Which Practitioners of Respiratory Care Who Have Been Away from the Practice of Respiratory Care for an Extended Period of Time May be Evaluated for Competency

Mr. Garcia (in Henderson) spoke on the report in the agenda book pertaining to the appropriate evaluation method by which practitioners of respiratory care who have been away from the practice of respiratory care for an extended period of time may be evaluated for competency when applying for licensure. Mr. Garcia explained that in keeping with the national standards the requirements should be that a practitioner of respiratory care should have to take ten hours of continuing education units every year the practitioner has been out of practice, and after five years out of practice the practitioner should be required to re-credential or re-test at the national level to test competency.

Dr. Hug-English felt that the board should also require such practitioners of respiratory care to have a mentor or monitoring period with someone in the practice. Discussion ensued.

Dr. Hug-English clarified for the board members that from zero to two years out of the practice of respiratory care, a practitioner must maintain ten continuing education units and have a mentor, between two to five years out of the practice of respiratory care, a practitioner must maintain ten continuing education units every year out of practice and have a mentor; and after five years of being out of the practice of respiratory care, a practitioner must take a nation exam.

Dr. Stewart made a motion to accept the new policy for practitioners of respiratory care who have been away from the practice of respiratory care for extended periods of time seeking licensure in Nevada. Mrs. Kirch seconded the motion, and it passed unanimously, with the chair voting in favor of the motion.

Dr. Hug-English requested that Mr. Legarza draft a form with the new requirements for Mr. Garcia and the committee to review and follow.

AGENDA ITEM 6

Consideration of Request by Washoe Medical Center for Approval of Practitioner of Respiratory Care Training Programs Per NRS 630.047(1)(e) and (f)(1)

Mr. Lessly reviewed the request letters from Washoe Medical Center for approval of practitioner of respiratory care training programs and recommended approval.

Dr. Stewart moved to approve the training programs. Dr. Lubritz seconded the motion, and it passed unanimously, with the chair voting in favor of the motion.

AGENDA ITEM 3

Personnel

- Annual Review and Discussion of Professional Competency of Staff Open Session  
- Set Staff Compensation

After returning to open session Dr. Hug-English asked for a motion on staff compensation.

Dr. Baepler recommended that executive staff, including the Executive Director/Special Counsel, Deputy Executive Director, General Counsel, and Financial Manager be awarded a six percent bonus payable immediately and that all other staff be given a six percent increase in compensation effective July 1, 2003, with the exception of Douglas Cooper and Lynette Nason whose salaries are to be increased by the Executive Director immediately by an equity adjustment to \$57,140.00 for Mr. Cooper, Chief Investigator, and \$40,000 for Mrs. Nason as a result of her promotion to Chief License Specialist.

Mrs. Kirch made a motion to approve the compensations recommended by Dr. Baepler. Dr. Baepler seconded the motion, and it passed unanimously, with the chair voting in favor of the motion.

- Consider Board Payment of Full Health Insurance Premium for Staff - Larry D. Lessly, J.D., Executive Director/Special Counsel

Mr. Lessly requested that the board pay full health insurance premiums for staff at an additional cost of approximately \$14.36 per employee per month to maintain a health insurance deductible of \$500.00 effective July 1, 2003.

Dr. Baepler made a motion that the board pay the recommended full health insurance premium for staff. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Discuss Establishing Procedure for Securing Replacements for Retiring Staff  
Members: Executive Director/Special Counsel, General Counsel, Financial Manager  
and Chief License Specialist - Larry D. Lessly, J.D., Executive Director/Special Counsel

Mr. Lessly informed the board members that Robert Frantz, Financial Manager, will be retiring on September 30, 2003 and that Helen Teeples is in training to replace him as a Financial Support Assistant. He also informed the board members that Elizabeth Larraguetta, Chief License Specialist, is currently on maternity leave, and that she will be leaving the staff to move to Las Vegas July 15, 2003. Mrs. Larraguetta will be replaced by Lynette Nason as Chief License Specialist beginning June 1, 2003.

Mr. Lessly advised the board that he and Mr. Legarza will be retiring no later than June 30, 2004, and that Mrs. Lyons will be leaving the staff in early 2004.

- Consider and Discuss Additional Staff Requirements - Larry D. Lessly, J.D., Executive  
Director/Special Counsel

Mr. Lessly discussed immediately adding two new deputy positions and that those deputies would replace Mr. Legarza, General Counsel, and Mr. Lessly, Executive Director/Special Counsel upon their retirements. Mr. Lessly indicated that he recommended creation of a Deputy General Counsel position and a Deputy Executive Secretary/Special Counsel position, and he would like authority to fill those positions and hire another Medical Reviewer when it becomes necessary. Mr. Lessly also discussed the possible salaries for these new positions. The two deputies would begin immediately to assist with legal work.

Dr. Hug-English stated that Mr. Lessly's job description authorizes him to hire and train additional staff as needed at the appropriate salaries he recommended to handle the increasing workload.

Dr. Baepler moved to approve the additional staff positions and recommended salaries. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English directed that Mr. Lessly proceed as quickly as possible to fill the new deputy staff positions, as the board needs additional staff and help with the increasing legal workload immediately and coverage upon his and Mr. Legarza's retirement.

Dr. Montoya and Dr. Hug-English thanked Mr. Lessly and Mr. Legarza for remaining with the board for a year to provide their much needed knowledge and train new staff and their replacements.

RECESS

Dr. Hug-English recessed for lunch at 12:05 p.m.

RECONVENE

Dr. Hug-English reconvened the meeting at 1:05 p.m.

AGENDA ITEM 8

Reports

- Legislative Update - Keith E. Lee, J.D., Legislative Counsel

Mr. Lessly asked that the board postpone the Legislative Update until Mr. Lee could be present.

- Diversion Program: Quarterly Report - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation

Mr. Lessly reported that Ms. Bowers had a conflict and was not able to attend the board meeting, and he distributed her report to the board members for their review.

Dr. Hug-English stated that she did not see any problems with the report, that Ms. Bowers is doing a good job, and that the report indicates a proactive approach.

Dr. Stewart moved to accept the Diversion Quarterly Report. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Physician Assistant Advisory Committee - Advisory Committee Member

Mr. Lanzillotta was not present at the board meeting, and a written report was distributed for the board members to review.

Dr. Hug-English was very interested that the report stated that every six years a Physician's Assistant has to prove continuing competency as well as continuing medical education, and that this requirement was ahead of any such policy for medical doctors on this issue.

Dr. Titus moved to approve the Physician Assistant Advisory Committee Report. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Investigative Committee - Paul A. Stewart, M.D., Chairperson  
- Consideration of Cases Recommended for Closure by the Committee

Dr. Stewart reported that seven Medical Doctors appeared before the investigative committee on May 29, 2003, and cases that were recommended for closure were provided to the board by Dr. Stewart.

Dr. Anjum moved to approve the recommended cases for closure from the May 29, 2003 investigative committee meeting. Dr. Jones seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

- Status of Investigative Case Load

Dr. Stewart informed the board members that the investigative committee is current with all it has been presented with, and the investigative staff has been very busy. Each investigator has between eighty and one hundred cases currently assigned.

- Consideration of Use of Additional Investigative Committee

Dr. Stewart informed the investigative committee that the number of cases is going to double due to new legislation and malpractice cases being filed in court. He suggested that the board create another investigative committee, with both investigative committees consisting of two Medical Doctors and one public member.

Dr. Baeppler made a motion to create a second investigative committee. Dr. Stewart seconded the motion, and it passes unanimously, with the Chair voting in favor of the motion.

- Consideration of Revision to Secretary-Treasurer Job Description

Mr. Lessly suggested that the board consider revising the current job description of the Secretary-Treasurer of the Nevada State Board of Medical Examiners to read that the Secretary-Treasurer chair "an" investigative committee instead of "the" investigative committee.

Dr. Titus moved to revise the job description of the Secretary-Treasurer. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer

- Consideration of Adoption of Tentative Budget for Fiscal Year 2003 - 2004

Dr. Stewart reviewed two handouts regarding the budget status as of June 30, 2003 and the proposed tentative budget for the fiscal year 2003-2004. Dr. Stewart explained the Profit and Loss statement and pointed out that the board budget is very close to its actual costs for this fiscal year. He stated that the board will have to raise registration fees for the 2005-2007 biennium in order to continue to operate past June 30, 2005. Dr. Stewart also spoke about SB250 and explained the extra expenses the board would incur if that bill passed.

Discussion ensued.

Dr. Montoya made a motion to approve the tentative budget as submitted for fiscal year 2003-2004. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Federation of State Medical Boards of the United States, Inc. 2003 Annual Meeting -  
Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer;  
Donald H. Baepler, Ph.D., D.Sc.; and Robin L. Titus, M.D.

Dr. Jones reported that she attended the Federation of State Medical Boards of the United States, Inc.'s 2003 Annual Meeting as a voting delegate and that it was very interesting be able to speak with every person who was running for office and ask them the questions she had prepared. She stated that the meeting was much more interactive with small group sessions, and she described the different classes and sessions and perspectives of board members from other medical licensing boards.

Dr. Baepler discussed the sessions he attended and the session he led. Dr. Baepler felt the meeting topics were more relevant compared to prior meetings, and that the meeting addressed new and current topics, such as ethics and medical research and new groups of medical professionals.

Dr. Titus reported that all of the states seem to be discussing and attempting to deal with the continuing competency issue. She stated that each state had an opportunity to give a power-point presentation to offer information and help to other states, and she hoped that Nevada would give a presentation at next year's meeting. Dr. Titus thought that it looks as though continuing competency evaluation will eventually be mandated legislatively throughout the United States. She also stated that representatives from other states questioned her about the steps Nevada is taking, because the Nevada board is known as being progressive and a leader in this field.

Dr. Hug-English stated that she felt the Nevada board was represented quite well by our board members and that other state medical boards do look to our board at the Federation and National level as a leader, and that Nevada is known as a progressive medical board nationwide.

#### AGENDA ITEM 7

Legal Reports - Richard J. Legarza, J.D., General Counsel, Charlotte M. Bible, J.D.,  
Assistant Chief Deputy Attorney General  
- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza reported that all licensees are current with the terms of their probationary status. Mr. Legarza also reported that Elliot Schmerler, M.D. has filed a petition for Judicial review of his revocation of licensure, and that Lambert Abeyetunge, M.D. has also filed a petition for Judicial Review of his disciplinary action.



Dr. Stewart informed the board members that there are three Medical Doctors who are currently incarcerated and still hold medical licenses in the state of Nevada whom the investigative committee needs to serve with a formal complaint. He explained that the filing against a prisoner takes more time, but these physicians are not a threat to the public since they are not practicing while incarcerated.

- Board Litigation Status

Mrs. Bible state that she had no report, as Mr. Legarza is currently handling all the cases.

AGENDA ITEM 9

Executive Staff Reports - Larry D. Lessly, J.D., Executive Director/Special Counsel, Maureen E. Lyons, Deputy Executive Director

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Lessly requested that Lynnette Nason, Chief License Specialist, attend the National Board for Respiratory Care conference in Kansas City and stated that the costs are assumed by the National organization.

Dr. Jones moved to authorize Ms. Nason to attend the conference. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of 2002 Board Annual Report

Mr. Lessly reviewed the boards 2002 Annual Report with the board members for consideration of approval.

Dr. Baepler moved to accept approval of the boards 2002 Annual Report. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for July 1, 2003 through September 30, 2003

Mr. Lessly requested approval for the next three months, July 2003 through September 2003, for continuation of the contract with the Nevada Broadcaster's Association for the Board's public service announcements at a cost of \$5,000 per month and to add some additional public service announcements.

Dr. Jones stated that she feels it is very important for the board to keep current with the public service announcements, and that the board is getting good feedback from the announcements.

Dr. Hug-English also stated that both the website and the public service announcement are very beneficial to the public because members of the public accesses information differently.

Dr. Stewart informed the board that the Senate Labor and Commerce Committee thought the announcements were a waste of the board's money.

Dr. Lubritz questioned whether the board needs to renew the contract or should the board withhold approval for a few months to see if the need is really there.

Discussion ensued about the pros and cons of keeping the advertising.

Dr. Lubritz made a motion to continue the contract with the Nevada Broadcaster's Association for July 2003 through September 2003 at a cost of \$5,000 per month. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly will ask Bob Fisher of the Nevada Broadcaster's Association to appear at the September 2003 board meeting to discuss the public service announcements.

- Status of Additional Office Space and Consideration of Additional Office Location(s)

Mr. Lessly informed the board members that all of the files and staff have made the move to the new offices and locations discussed at the March board meeting, and that the lease for all space was previously extended to six years.

Mr. Lessly requested the board members to authorize the staff to report back to the board on the possible addition of a board office in Las Vegas, Nevada.

Mrs. Kirch moved to refer to the staff the matter of an additional office in the Las Vegas, Nevada area. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Status of Processing July 1, 2003 - June 30, 2005 Biennial Licensure Registration Renewals

Mr. Lessly reported on the current status of the 2003-2005 biennial licensure registration renewals. As of 5:00 p.m. on May 29, 2003 the board has processed 2,507 active licenses and 647 inactive licenses. Mr. Lessly anticipates 5,000 active licenses and 800-100 inactive licenses.

Dr. Titus expressed her appreciation for the new plastic wallet identification cards.

AGENDA ITEM 17

Ratification of Licenses Issued , and Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 7 & 8, 2003 Board Meeting

The board member, reviewed the handout in the agenda book.

Mrs. Kirch moved to ratify licenses issued , reinstatements of licensure, and changes of licensure status approved since the March 7 & 8, 2003 board meeting. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19

Election of Officers and Appointment of Committee Members

Dr. Hug-English announced that nominations were open for election of President of the board.

Dr. Stewart nominated Dr. Hug-English for another term as President. Dr. Lubritz seconded the nomination, and it passed unanimously.

Dr. Hug-English thanked the board members for the vote of confidence and stated she considered it a privilege and honor to serve with the board members.

Dr. Hug-English announced that nominations were open for election of Vice-President of the board.

Dr. Baepler nominated Dr. Jones for another term as Vice-President. Dr. Lubritz seconded the motion, and it passed unanimously.

Dr. Hug-English announced that nominations were open for Secretary-Treasurer of the board.

Dr. Montoya nominated Dr. Baepler to serve as Secretary-Treasurer. Mrs. Kirch seconded the motion, and it passed unanimously.

Dr. Hug-English announced the appointments for investigative committees. She appointed Dr. Baepler as Secretary-Treasurer to Chair one investigative committee, and Dr. Titus and Dr. Montoya to serve with Dr. Baepler. She appointed Dr. Lubritz to Chair the second investigative committee, and Dr. Anjum and Mrs. Kirch to serve with Dr. Lubritz.

Dr. Hug-English also appointed Dr. Jones as Vice-President to serve as Chair of the internal affairs committee, and stated that she will appoint committee members to the committee at a later date when required.

Dr. Jones commended Dr. Hug-English for her professionalism and dedication in dealing with the legislature. The board members concurred.

Dr. Hug-English thanked the board members and states she thought that the legislative body now has a better understanding of how the board functions and its purposes and hopefully has a more positive view of the board and its responsibilities.

### RECESS

Dr. Hug-English called a recess at 2:35.

### RECONVENE

Dr. Hug-English reconvened the meeting at 4:30.

### AGENDA ITEM 10

#### Consideration of Amendments to Nevada Administrative Code Chapter 630 - Staff Recommendations for Potential Amendments to NAC Chapter 630

Mr. Legarza distributed copies of public comments received for members' review. Mr. Legarza reviewed and explained the staff recommendations and potential amendments to NAC Chapter 630.

Ms. Kirch moved to approve the recommendations and that potential amendments to be sent out to workshops in June 2003 and hearing in July 2003. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### - Adoption of New Regulation: NAC 630, Requirements for Biennial Registration -

Dr. Baepler made a motion to table this item until the board receives input on this issue. He stated it is clear to the board members that there is an interest in this in the public and physicians and that there is a lot of misunderstanding on this matter. Dr. Baepler also felt that "competency" is not the correct word to use and that the committee needs to do more research and discussion on this matter with licensees. He suggested the board make additional contact with licensees to get more information and input and bring the matter to some conclusion that is not threatening to the licensees.

Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20  
Public Comment

Dr. Havins thanked the board for having a teleconference and congratulated and thanked Dr. Stewart for his eight years on the board.

RECESS

Dr. Hug-English recessed the meeting at 4:50 p.m.

**SATURDAY, MAY 31, 2003**

**MEMBERS PRESENT:**

Cheryl A. Hug-English, M.D., President  
Jaculine C. Jones, Ed.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.  
Marlene J. Kirch  
Sohail U. Anjum, M.D.  
Stephen K. Montoya, M.D.

**STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Kasey M. Miller, Administrative Assistant to Executive

Director

Helena J. Teeple, Financial Support Assistant  
Doug C. Cooper, Chief Investigator  
Julie M. Espinoza, Credentialing Specialist

**ALSO PRESENT:**

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney  
General

**RECONVENE**

Cheryl A. Hug-English, M.D., President, reconvened the meeting at 8:35 a.m. Dr. Hug-English asked the board members what they felt about the teleconferencing of the meeting.

Dr. Lubritz suggested that the board keep a record of the attendees in Las Vegas and Reno for a year to see if the cost is worth the board's money.

Dr. Hug-English instructed the staff to research the issue.

Mr. Lessly informed the board that to set our board conference room up for teleconferencing the cost would be approximately \$50,000.00 based on a previous discussion on this item and recommendation to the board.

Discussion ensued.

Mr. Lessly suggested that more information be given to the board members regarding teleconferencing at the September 2003 board meeting.

Mr. Lessly discussed the Legislative Report agenda item and reported on the bills to date as Mr. Lee was unable to attend the meeting due to the legislative session.

AGENDA ITEM 11

Appearances for Consideration of Acceptance of Applications for Practitioner of Respiratory Care Licensure (Tabled from March 7 & 8, 2003 Meeting)

- James Grieco, C.R.T. - application acceptance

Dr. Hug-English questioned Mr. Grieco as to his activities relating to the field of Respiratory Care since 1995.

Mr. Grieco explained to the board members that he re-certified with the Nation Board of Respiratory Care in April 2001, and that he has continuing education units, but he hasn't kept a record of them, and they are not directly related to the practice of Respiratory Care. Mr. Grieco informed the board that he currently is certified by the Nation Board of Respiratory Care but is an inactive status.

Dr. Baepler explained the new recommendation of ten continuing education units per year, and informed Mr. Grieco that he needs to obtain twenty continuing education units relating to the practice of respiratory care before the board can grant him a license.

Dr. Titus moved to accept Mr. James Grieco, C.R.T.'s application for respiratory care contingent upon documentation of his twenty hours of continuing education units related to the practice of respiratory care. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Bruce Jones, R.R.T. - application acceptance

Mr. Jones did not appear before the board as expected.

Dr. Hug-English informed staff that if Mr. Jones contacts the board the staff is to inform him that he needs to take the National Board of Respiratory Care exam and get the necessary hours of continuing education units needed before the board can accept his application for licensure.

Dr. Titus moved to table this agenda item until Mr. Bruce Jones, R.R.T. contacts the board. Dr. Jones seconded the motion, and it carried.

AGENDA ITEM 12

Appearances for Consideration of Acceptance of Applications for Licensure and Changes of Licensure Status

(a) Keith Brill, M.D. - application acceptance

Dr. Montoya questioned Dr. Brill regarding his malpractice case during his third year of residency .

Dr. Brill explained the circumstances surrounding the malpractice suits filed against him during his third year of residency and informed the board that the case was not dismissed.

Dr. Stewart moved to accept Keith Brill, M.D.'s application for licensure in Nevada upon the ---- completion of his application. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(b) Ronette Cyka, M.D. - inactive to active status acceptance

Dr. Montoya questioned Dr. Cyka regarding the reasons why she has not practiced medicine since 1989 and what she has done to keep current.

Dr. Cyka informed that board that she is current with her continuing medical education requirements and that she has practiced in another state.

Dr. Titus moved to accept Ronette Cyka, M.D.'s application for change of status. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(c) Mark Degen, M.D. - application acceptance

Dr. Lubritz questioned Dr. Degen regarding his malpractice case and his postgraduate education which was not ACGME approved.

Dr. Degen explained the circumstances surrounding the malpractice suit filed against him during his internship rotation and explained the post graduate training.

Dr. Jones moved to accept Mark Degen, M.D.'s application for licensure and approve the post graduate education. Mrs. Kirch seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.



(d) Robert Dillow, M.D. - application acceptance

Dr. Anjum questioned Dr. Dillow regarding his malpractice case.

Dr. Dillow explained the circumstances surrounding the malpractice suit filed against him.

Dr. Lubritz moved to accept Robert Dillow, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

(e) Kip Dorsey, C.R.T. - application acceptance

Dr. Baepler questioned Mr. Dorsey regarding his not practicing in the field of respiratory care since 1998. Dr. Baepler also informed Mr. Dorsey that since he has not practiced in over five years, he will need to re-certify with the National Board of Respiratory Care.

Mr. Dorsey informed the board that he has worked as an Emergency Medical Technician and taken many continuing education units relating to respiratory care and emergency care.

Dr. Baepler moved to accept Kip Dorsey, C.R.T.'s application for licensure upon his successful completion of his re-certification exam. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(f ) Stuart Engel, M.D. - application acceptance

Dr. Lubritz questioned Dr. Engel regarding his malpractice cases.

Dr. Engel explained the circumstances surrounding the malpractice suits filed against him.

Dr. Lubritz moved to accept Stuart Engle, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(g) Deborah Escudro-Lyman, C.R.T. - application acceptance

Dr. Baepler questioned Mrs. Escudro-Lyman regarding him being out of the practice of respiratory care since September 1999, and that her last certification being in July 1994.

Ms. Escuadro-Lyman explained to the board her activities since September 1999.

Dr. Baepler moved to accept Deborah Escuadro-Lyman, C.R.T.'s application for licensure upon her successful completion of thirty hours of continuing education units related to the practice of respiratory care. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(h) Karen Giarrusso, M.D. - application acceptance

Dr. Jones questioned Dr. Giarrusso regarding physical and mental health as it relates to the practice of medicine.

Dr. Giarrusso explained the circumstances surrounding her situation.

Dr. Jones moved to accept Karen Giarrusso, M.D.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(i) Hitesh Goel, M.D. - application acceptance

Mrs. Kirch questioned Dr. Goel regarding his breach of ethical standards resulting in probation during his first year of residency.

Dr. Goel explained the circumstance surrounding the situation of his probation.

Dr. Lubritz moved to accept Hitesh Goel, M.D.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(j) Keir Hales, M.D. - application acceptance

Dr. Titus questioned Dr. Hales regarding his malpractice case.

Dr. Hales explained the circumstances surrounding the malpractice suit filed against him.

Dr. Montoya moved to accept Keir Hales, M.D.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(k) Markey Hand, P.A.-C - application acceptance

Dr. Baepler questioned Mrs. Hand regarding her not having practiced medicine since December 2001.

Mrs. Hand explained the circumstances and explained that she has been current with her continuing medical education hours and that she just returned from a one week annual meeting with the NCCPA. She informed the board that she plans to work in Pulmonary Medicine as she did before taking time off from practice.

Dr. Titus moved to accept Markey Hand, P.A.-C's application for licensure. Dr. Jones seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

(l) Brian Lee, M.D. - limited licensure application acceptance

Dr. Lee did not appear at the board meeting to answer questions regarding his application for licensure.

Dr. Montoya moved to table this matter. Dr. Baepler seconded the motion, and the motion was tabled unanimously, with the Chair voting in favor of the motion.

(m) David Nace, M.D. - application acceptance

Dr. Stewart questioned Dr. Nace regarding his character, professional competency, and physical and mental health as it relates to the practice of medicine.

Dr. Nace explained the circumstances surrounding his situation.

Dr. Stewart moved to accept David Nace, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(n) Uma Natarajan, M.D. - limited licensure application acceptance

Dr. Titus questioned Dr. Natarajan regarding the circumstances of her application for limited licensure.

Dr. Natarajan explained the circumstances of her application.

Dr. Anjum moved to accept Uma Natarajan, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(o) Harris Newmark, III, M.D. - application acceptance

Dr. Anjum questioned Dr. Newmark regarding his malpractice cases.

Dr. Newmark explained the circumstances surrounding the malpractice suits filed against him. He informed the board that he would only be reading films for certain groups in Nevada.

Dr. Montoya moved to accept Harris Newmark, III, M.D.'s application for licensure. Dr. Jones seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

(p) JoAnna Nichols, C.R.T. - application acceptance

Dr. Baepler questioned Mrs. Nichols regarding her not having practiced respiratory care since March 1999.

Mrs. Nichols explained that she is not current with her continuing education units, but she does not require re-certification since she has not been out of the practice of respiratory care for more than 5 years.

Dr. Baepler moved to accept JoAnna Nichols, C.R.T.'s application for licensure contingent upon her receiving forty hours of continuing education units relating to the practice of respiratory care. Dr. Stewart seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

(q) Todd Radivan, P.A.-C - application acceptance

Dr. Titus questioned Mr. Radivan regarding his malpractice cases and his character, professional competence, and physical and mental health as it relates to the practice of medicine.

Mr. Radivan explained the circumstances surrounding the malpractice suits filed against him. He informed the members that he currently works at University Medical Center under a Doctor of Osteopathic Medicine and would like to begin working under a Medical Doctor also.

Dr. Titus moved to accept Todd Radivan, P.A.-C's application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

(r ) Michael Reiner, M.D. - acceptance for change to unrestricted status from county restricted status

Mrs. Kirch questioned Dr. Reiner, for confirmation that he has worked in Pahrump, Nevada since April 1, 1999.

Dr. Reiner explained that he has practiced full-time since April 1, 1999 at Pahrump Medical Center with a county restricted license and is now eligible and requests an unrestricted license. He informed the board that he intends to work in Pahrump four days a week and one day a week in Las Vegas.

Mrs. Kirch moved to accept Michael Reiner, M.D.'s change of status on his license. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(s) Reynaldo Santos, Jr., M.D. - application acceptance

Dr. Titus questioned Dr. Santos regarding his pending malpractice case.

Dr. Santos explained the circumstances surrounding the malpractice suit filed against him based on an occurrence during his first year of residency.

Dr. Baeppler moved to accept Reynaldo Santos, Jr., M.D.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

(t ) Floyd Stern, M.D. - application acceptance

Dr. Lubritz questioned Dr. Stern regarding his malpractice cases and his not having seen patients in a clinical setting since 1998, when he retired.

Dr. Stern explained the circumstances surrounding the malpractice suits filed against him. He informed the board that he does not intend on doing surgery once returning to the practice of medicine. Dr. Stern stated that he took and passed the Special Purpose Exam in February 2003, and he is current with his continuing medical education requirements.

Mrs. Kirch moved to accept Floyd Stern, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion. Dr. Lubritz recused himself since he had recently interviewed Dr. Stern for a possible position in his practice.

(u) Harry Yeates, M.D. - application acceptance

Dr. Anjum questioned Dr. Yeates regarding his malpractice case.

Dr. Yeates explained the circumstances surrounding the malpractice suit filed against him.

Dr. Anjum moved to accept Harry Yeates, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Recess for lunch at 1:05 p.m.

RECONVENE

Reconvened at 1:45 p.m.

Dr. Stewart, Dr. Anjum, Dr. Baepler, and Dr. Montoya left the meeting at 1:30 p.m., as they were not adjudicators in the adjudications on the agenda.

Dr. Hug-English thanked Dr. Stewart for his dedicated service to the board the past eight years.

AGENDA ITEM 15

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Kenneth D. Mower, M.D., Case No. 02-5717-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; and Sohail U. Anjum, M.D.

Dr. Hug-English reviewed the one count of malpractice alleged in the formal complaint against Dr. Mower. She confirmed that all adjudicating board members were present and had read the adjudication material.

Ms. Bible addressed a provision regarding a lawyer making a request after the case has been deemed submitted, and it was her recommendation to deny the request of Mr. Rosenberg's, Dr. Mower's lawyer, for additional time to argue this case.

Dr. Hug-English denied the request of Mr. Rosenberg.

Dr. Lubritz moved to go into closed session. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to open session, Dr. Titus moved to find Dr. Mower guilty of the one count of malpractice alleged in the formal complaint of an excessive dose of morphine to a patient not terminal ultimately leading to the patient's death. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English added that the morphine was given during a very short period of time to a woman showing no distress and there was no justification to give her any morphine, especially 100 mg.

Mrs. Kirch moved to go back into closed session to deliberate on the appropriate sanctions. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to open session, Dr. Jones moved to revoke Dr. Mower's license to practice medicine in the state of Nevada and assess him the costs of the investigation and disciplinary proceedings. Mrs. Kirch seconded the motion pointing out the severity of the case in which he jeopardized the health, safety, and welfare of the citizens of Nevada.

Dr. Hug-English took a roll call vote. Dr. Anjum abstained from the vote. All other members were in favor of the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 14

##### Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Rene Claudia Bovellev, M.D., Case No. 02-19814-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jacqueline C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; and Sohail U. Anjum, M.D.

Dr. Hug-English reviewed the formal complaint against Dr. Bovellev in which it was alleged that she practiced medicine in Nevada while holding only an inactive status Nevada medical license. She confirmed that all adjudicating board members were present and had read the adjudication material.

Dr. Lubritz moved to go into closed session to deliberate on the allegations contained in the formal complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to open session, Dr. Lubritz moved to find Dr. Bovellev guilty of the allegations contained in the formal complaint, in that she did practice medicine in the state of Nevada with an inactive status license. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to go into closed session to deliberate over the appropriate sanctions. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to open session, Dr. Titus moved to impose a public reprimand on Dr. Bovellev, fine her \$5,000.00, assess the costs of investigation and disciplinary proceedings, and require her to take two hours of continuing medical education in medical ethics. Dr. Lubritz seconded the motion. Dr. Hug-English took a roll call vote, all members were in favor of the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 16

##### Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Robert W. Watson, M.D., Case No. 02-12823-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jacqueline C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; and Sohail U. Anjum, M.D.

Dr. Hug-English reviewed the formal complaint against Dr. Watson in which it was alleged that he failed to appear on two occasions before the Investigative Committee of the board investigating a complaint against him. She confirmed that all adjudicating members were present and had read the adjudication material.

The members stayed in open session to deliberate on the allegations contained in the formal complaint against Dr. Watson.

Dr. Jones moved to find Dr. Watson guilty of the allegations contained in the formal complaint. Mrs. Kirch seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

Dr. Lubritz moved to go into closed session to deliberate on the appropriate sanctions. Dr. Jones seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to open session, Dr. Titus moved to issue Dr. Watson a public reprimand, assess the costs of the investigation and disciplinary proceedings, fine him \$5,000.00 and require that he complete an additional two hours of continuing medical education hours in medical ethics within sixty days of the order. Mrs. Kirch seconded the motion. Dr. Hug-English took a roll call vote, and all members were in favor of the motion, and it passed unanimously, with the Chair voting in favor of the motion.



AGENDA ITEM 13

Consideration of Acceptance of Voluntary Surrender of License in the State of Nevada While Under Investigation and Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Richard R. Conte, M.D., Case No. 03-8108-1  
Adjudicating Board Members: Cheryl A. Hug-English, President; Jacqueline C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; and Sohail U. Anjum, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and had read the information provided.

Mr. Legarza reviewed the points of the case regarding Dr. Conte.

Dr. Titus moved to accept Dr. Conte's Voluntary Surrender while under investigation and Stipulation for Settlement. Dr. Jones seconded the motion. Dr. Hug-English took a roll call vote, and all members were in favor of the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19  
Matters for Future Agenda

Dr. Hug-English asked that the staff supply the board members with information regarding teleconferencing, the audit, and the web site at the September 2003 board meeting.

AGENDA ITEM 20  
Public Comment

There was no public comment.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 3:20 p.m.